

Appln. No. 10/659,189  
Amdt. dated: October 5, 2004  
Reply to Office Action dated: July 13, 2004

### **Remarks/Arguments**

These remarks are in response to the Office Action dated July 13, 2004. This reply is timely filed. At the time of the Office Action, claims 1-15 were pending in the application. Claims 1-9 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Claim 10 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 11-15 are allowed. The rejections are set out in more detail below.

#### **I. Double Patenting**

Claims 1-8, were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9, 12 and 14 of copending Application No. 10/635,582 in view of U.S. Patent No. 6,496,082 to DiPiazza (hereinafter "DiPiazza"). Claim 9 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9, 12 and 14 of copending Application No. 10/635,582 in view of DiPiazza and further in view of U.S. Patent No. 5,162,972 to Gripshover, et al. In accordance with 37 C.F.R. §1.130, please find the enclosed terminal disclaimer which complies with 37 C.F.R. 1.321(c) and overcomes the provisional rejections. Please charge Deposit Acct. 50-2884 in the amount of \$110 pursuant to 37 CFR §1.20(d). Applicants therefore respectfully request that the provisional rejections be withdrawn.

#### **II. Allowable Subject Matter**

Applicant's note with appreciation that claims 11-15 have been allowed.

The Examiner objected to claim 10 as being dependent upon a rejected base claim, but indicated that the claim would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. As noted, a terminal disclosure statement is enclosed to overcome the provisional rejection of the

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base claim and intervening claim. Applicants therefore respectfully request that the objection be withdrawn.

III. Conclusion

It is believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully requests reconsideration and prompt allowance of the pending claims. Please charge any deficiencies or credit any overpayments to Deposit Acct. No. 50-2884.

Respectfully submitted,

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Date



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